

# MINUTES

## City of Carrollton Mayor and Council Meeting

### May 4, 2009

### 6:00 p.m.

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Public Safety Complex, Court/Council Chambers, 115 West Center Street,  
Carrollton, Georgia

#### I. CALL TO ORDER

The Mayor and City Council met in regular session on Monday, May 4, 2009 at 6:00 p.m. at the Public Safety Annex Building, 115 West Center Street, Carrollton, Georgia. Mayor Garner called the meeting to order at 6:00 p.m. Members present: Mayor Wayne Garner, Councilmember Peter Balega, Councilmember Rusty Gray and Councilmember Mandy Maierhofer. Members absent: Councilmember Gerald Byrd. At this time, Mayor Garner explained the meeting procedures to meeting attendees.

#### II. INVOCATION

Councilmember Gray offered the invocation.

#### III. CITIZEN COMMENTS

None.

At this time, Mayor Garner asked for a motion to amend the Agenda to add item (11) – Resolution 04-2009 to Authorize Submittal of a Community Development Block Grant (Stimulus CDBG) Program Application. **Motion by Councilmember Gray, seconded by Councilmember Maierhofer to amend the Agenda to add Item 11 – Resolution 04-2009 to Authorize Submittal of a Community Development Block Grant (Stimulus CDBG) Application. Motion passed (4-0). Councilmember Byrd absent.**

#### IV. MINUTES (March 2, 2009)

**Motion by Councilmember Maierhofer, seconded by Councilmember Gray to approve the Minutes of the March 2, 2009 meeting of the Mayor and Council. Motion passed (4-0). Councilmember Byrd absent.**

#### V. ITEMS OF DISCUSSION

##### 1. 2009 State Champions Recognition

Carrollton Parks, Recreation, and Cultural Arts Commission Chairperson, Ann Fletcher presented a Certificate of Recognition to the following State Champions and thanked the Mayor and Council for their support of Parks and Recreation Programs.

A'Daria Clark	USA Gymnastics "Level 8"	2009	State Champion –Vault
Mikhayah Walls	AAU "Level Prep. Opt. 2"	2009	State Champion-Floor Exercise
Makayla Burton	AAU "Level Prep. Opt. 2"	2009	State Champion-Beam
Alyson McInvale	AAU "Level 3 Experienced	2009	State Champion-Vault
Turner Martin	GA State Kids Wrestling	2009	14 & Under 125 # State Champion-Wrestler

(Six years in a row at different classifications)

##### 2. Rezoning Request: Rezone from R-T (Residential Townhouse) to R-O-I (Residential Office-Institutional)

**Property Location: 226 Austin Avenue Petitioner: Steve Baker**

A public hearing was held to receive citizen input on a request from petitioner Steve Baker to rezone property located at 226 Austin Avenue from R-T (Residential Townhouse) to R-O-I (Residential Office-Institutional). PZA Charles Griffin advised that the Planning Commission has recommended approval of the rezoning request. At this time, Mayor Garner opened the public hearing to receive citizen input. Those

speaking in favor: None. Those speaking opposed: None. At this time, Mayor Garner closed the public hearing and inquired to the wishes of the Council. **Motion by Councilmember Gray, seconded by Councilmember Balega to accept the Planning Commission's recommendation and rezone property located at 226 Austin Avenue to R-O-I (Residential Office-Institutional). Motion passed (4-0). Councilmember Byrd absent.**

**3. Resolution 03-2009: Support of Park Place II Housing Complex for Older Persons**

PZA Griffin presented to the Mayor and Council for consideration Resolution 03-2009 in support of Phase II of Park Place Apartments. CM Coleman advised that the resolution was brought before the Council and approved approximately one year ago in support of phase I of the development. Mr. Markel was present and informed the Mayor and Council that the resolution included tax credits and/or other incentives/considerations. **Motion by Councilmember Gray, seconded by Councilmember Maierhofer to adopt Resolution 03-2009 in support of Phase II of Park Place Apartments. Motion passed (4-0). Councilmember Byrd absent.**

**4. Intergovernmental Tax Collection Agreement**

CM Coleman presented to the Mayor and Council for their consideration and approval an Intergovernmental Agreement for Tax Collection Services between the City of Carrollton and the Carroll County Tax Commissioner. CM Coleman advised that approval of the Agreement would authorize continuation of the current Intergovernmental Tax Collection Agreement between the City and County Tax Commissioner. **Motion by Councilmember Maierhofer, seconded by Councilmember Balega to approve continuation of an Intergovernmental Agreement with the Carroll County Tax Commissioner to provide tax collection services for the City of Carrollton. Motion passed (4-0). Councilmember Byrd absent.**

**5. On-Call Wrecker Service Liability Insurance Requirements**

CM Coleman advised that the Carrollton Police Department maintains an "on call wrecker" list wherein anytime a wrecker is needed for an accident or towing issue, the scheduled "on call wrecker" service is requested. However, in the event of an accident or breakdown, the vehicle's owner may request anyone to tow their vehicle. In order for a wrecker service to be listed on the Police Department's "on call list", the company must make application and meet certain criteria. CM Coleman explained he had requested City staff to review our "on call wrecker" application and process to insure that the City has minimal if any liability in the event of an accident/issue. City staff discovered that we currently do not request proof of liability insurance from applicants. Therefore, the City is at risk for exposure. Georgia State Law does require wrecker services to maintain certain minimum insurance limits.

CM Coleman noted that he had met with our general liability insurance carrier (Bobby Stewart of J. Smith Lanier Insurance) to discuss our potential exposure. Mr. Stewart reviewed our current process and suggested the City require a Certificate of Liability Insurance with the City of Carrollton named as the Certificate Holder with the following limits proposed to be a requirement to be placed on the "on call wrecker" list:

1. General Liability:
  - \$1,000,000 Each Occurrence:
  - \$1,000,000 Damage to Rented Premises (Each occurrence)
  - \$ 100,000 Medical Expense (Any one person)
  - \$1,000,000 Personal & Adv Injury
  - \$2,000,000 General Aggregate
  - \$2,000,000 Products – Comp/Op Aggregate
2. Automobile Liability:
  - \$1,000,000 Combined Single Limit (Each accident)
3. Workers Compensation and Employer Liability:
  - Workers Compensation Statutory Limits
  - \$ 100,000 Each Accident
  - \$ 100,000 Disease – Each Employee

\$ 500,000     Disease – Policy Limit

4.     Require indemnity backed by an insurance policy and have the City named as an additional insured under the company's insurance

CM Coleman noted that while these limits exceed the Georgia State Law insurance requirements for wrecker services, they also provide a much greater level of protection in the event of an incident/exposure. There currently is not a fee charged to wrecker services to be placed on the “on call wrecker” list and the benefits (towing fees) gained by the wrecker service can be quite profitable. CM Coleman stated that he felt it would not be fair to the citizens of Carrollton to be burdened with the additional cost of the City purchasing additional liability insurance to cover these “on call wreckers” or picking up the gap in the event of a serious incident. CM Coleman requested the Mayor and Council approve the increased insurance limit recommendations and incorporate them into the “on call wrecker” service application. The effective date, if approved, would be July 1, 2009. **Motion by Councilmember Maierhofer, seconded by Councilmember Gray to approve CM Coleman’s and the City’s General Liability Insurance Carrier’s (J. Smith Lanier and Company) recommendation to require the insurance limits as presented and require a Certificate of Liability Insurance with the City named as Certificate Holder in order to be placed on the City’s On-Call Wrecker List, with an effective date of July 1, 2009. Motion passed (4-0). Councilmember Byrd absent.**

**6.     Donation to University of West Georgia**

CM Coleman advised that he has been approached by the University of West Georgia Foundation with a request for the City to donate \$500,000 to their stadium construction project. The \$35,000,000 project is presently under construction and will be located on the property that the City granted to the University a few years ago. The “Foundation” has worked very hard to raise the necessary funding for completion of the project, but has been unable to attain their goal due to the existing economic crisis. If it is the desire of the Mayor and Council to donate the requested funds, those funds can be paid utilizing Economic Development funds from the 2008 SPLOST proceeds. Following a brief discussion, **motion by Councilmember Maierhofer, seconded by Councilmember Gray to approve donation of \$500,000 from the City’s 2008 SPLOST proceeds to the University of West Georgia to be used toward the University of West Georgia Stadium Construction Project. Motion passed (4-0). Councilmember Byrd absent.**

**7.     Bids: Lovvorn Road and Brumbelow Road Intersection Improvements**

ACM Grizzard advised that the storm water piping under the intersection of Lovvorn Road and Brumbelow Road is grossly undersized and needs to be replaced by twin, 10’ by 6’ box culverts. The University of West Georgia has agreed to fund the cost of this upgrade in exchange for the City having waived storm water detention requirements at the Greek Village project. In addition, the City agreed to pay for the concrete and steel that is needed to construct this project. ACM Grizzard also advised that sealed bids were solicited and publicly opened for cast in place box culverts as well as for the alternative of pre-cast concrete box culverts. Bids were publicly opened on April, 28, 2009 with the following results:

<u>Contractor</u>	<u>Bid Price</u>	<u>Alternative Price</u>
Astra Grading & Pipe, LLC	\$432,600.00	\$458,600.00
Baldwin Paving Co.	\$386,214.50	NA
Caldwell Construction	\$372,575.82	NA
Crawford Grading & Pipeline, Inc.	\$405,500.00	\$430,008.64
Lewallen Construction Co.	\$391,350.00	\$433,750.00
McCoy Grading, Inc.	\$391,130.59	NA
R.J. Haynie & Associates, Inc.	\$333,539.28	\$333,539.28
Ronnie D. Jones Enterprises, Inc.	\$402,800.00	\$392,800.00
Sunbelt Structures, Inc.	\$319,601.00	NA

These bids include all excavation, culvert work, backfill, and pavement base. The city is obligated to pay for the wet concrete and reinforcing steel and to furnish the ductile iron pipe for the affected

sanitary sewer line. The cost to the City is estimated to be \$68,000 for the concrete and steel and \$10,000 for the ductile iron.

ACM Grizzard advised that the pavement replacement was bid separately from the culvert portion of the project. Sealed bids were publicly opened on April 30, 2009, at 11:00 A.M. with the following results:

Jackson Paving	\$45,975.00
B & J Paving	\$40,727.28

In addition, ACM Grizzard advised that on Friday, May 1, 2009, the paving issue was discussed with representatives of the winning culvert bidder, Sunbelt Structures, Inc. At that time, representatives from Sunbelt Structures, Inc. indicated that they now have their own paving crews and could perform the paving for this project within the same construction time as the culvert portion of the project. Their quote for this portion of the work is \$ 39,505.00, which is lower than the other bids received. This approach to the project will result in the completion of the intersection several weeks in advance of the previously proposed method. It will also save the City of Carrollton and the University of West Georgia \$6,470.00 in paving costs. ACM Grizzard advised that it is staff's recommendation that the original paving bids be rejected and the paving for the Lovvorn Road and Brumbelow Road Intersection be awarded via change order to Sunbelt Structures, Inc. in the amount of \$39,505.00.

ACM Grizzard reported that staff recommends awarding the Lovvorn Road and Brumbelow Road project to Sunbelt Structures, Inc., in the amount of \$319,601.00 and award the pavement replacement to Sunbelt Structures, Inc. in the amount of \$39,505.00. **Motion by Councilmember Gray, seconded by Councilmember Maierhofer to accept staff's recommendation and award the Lovvorn Road and Brumbelow Road project to Sunbelt Structures, Inc., in the amount of \$319,601 and award the pavement replacement of the project to Sunbelt Structures, Inc. in the amount of \$39,505.00. Motion passed (4-0). Councilmember Byrd absent.**

#### **8. Bids: University of West Georgia Stadium Bridge and Road**

ACM Grizzard advised that the City received sealed bids for the University Stadium Bridge and Road Project on May 1, 2009. The bids were opened publicly with the following results:

##### **Part 1 – Road Work**

<u>Contractor</u>	<u>Base Bid</u>	<u>Deduct #1</u>	<u>Deduct #2</u>
E.R. Snell Contractors	\$1,213,322.20	\$11,900.00	\$180,000.00
Tidwell Construction	\$ 888,000.00	\$12,025.95	NA
Rogers Bridge Co., Inc.	\$1,056,753.40	\$17,880.00	\$205,490.00
Sunbelt Structures, Inc.	\$ 897,500.00	\$ 9,801.00	NA
Baldwin Paving Co.	\$1,022,379.34	\$34,827.00	\$169,900.00
Southern Site Development	\$1,041,872.00	\$14,425.00	NA
McCoy Grading	\$ 981,164.55	\$17,880.00	\$205,490.00

Deduct #1 was to allow the Contractor to close the road to the wastewater plant. Deduct #2 was to eliminate the paving from the project and have the City handle it separately. Based on the prices quoted, neither of these deducts are in the best interest of the University and the City.

##### **Part 2 – Bridge Construction**

<u>Contractor</u>	<u>Base Bid</u>
E.R. Snell Contractors	\$1,213,826.01
Scott Bridge Co., Inc.	\$1,394,750.00
Tidwell Construction	\$1,210,000.00
Rogers Bridge Co., Inc.	\$1,256,416.23
Sunbelt Structures, Inc.	\$1,211,000.00
Baldwin Paving Co.	\$1,347,602.00
Southern Site Dev., Inc.	\$1,259,067.00
Gregory Bridge Co.	\$1,118,000.00

City staff recommends that Part 1 (Road Work) of this project be awarded to Tidwell Construction in the amount of \$888,000.00. City staff further recommends that Part 2 (Bridge Construction) of this project be awarded to Gregory Bridge Co. in the amount of \$1,118,000.00. ACM Grizzard reminded the Mayor and Council that the project in its entirety was being funded by the University of West Georgia.

**Motion by Councilmember Maierhofer, seconded by Councilmember Balega to award bid for Part 1 (Roadwork) of the University of West Georgia Stadium Bridge and Road to Tidwell Construction in the amount of \$888,000.00 and Part 2 (Bridge Construction) of the project to be awarded to Gregory Bridge Company in the amount of \$1,118,000.00. Motion passed (4-0). Councilmember Byrd absent.**

**9. Re-Appointment - Board of Development Appeals (1)**

Mayor Garner suggested that Ms. Emily Cole be reappointed to an additional term on the Board of Development Appeals. **Motion by Councilmember Gray, seconded by Councilmember Maierhofer to reappoint Ms. Emily Cole to an additional term on the Board of Development Appeals (term expiring April 1, 2012). Motion passed (4-0). Councilmember Byrd absent.**

**10. Appointment – Redevelopment Authority (1)**

Mayor Garner suggested that nominations for the vacancy on the Redevelopment Authority be submitted to the City Manager during the next month to be presented at the June 1, 2009 meeting of the Mayor and Council.

**11. Resolution 04-2009 – Authorizing Submittal of a Community Development Block Grant (Stimulus CDBG) Program Application**

**Motion by Councilmember Maierhofer, seconded by Councilmember Gray to approve Resolution 04-2009 to authorize submittal of a Community Development Block Grant (Stimulus CDBG) Program Application. Motion passed (4-0). Councilmember Byrd absent.**

**VI. MAYOR AND COUNCIL ANNOUNCEMENTS**

Mayor Garner thanked the Police and Fire Departments for their response during his daughter's recent automobile accident.

**VII. CITY MANAGER ANNOUNCEMENTS**

None.

**VIII. ADJOURN**

There being no further business to come before the Mayor and Council, the meeting adjourned at 6:34 p.m.